

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Adoline et al.
TITLE : DAMPENED COMPRESSION
SPRING ROD
APPLICATION NO. : 10/820,280
FILED : April 8, 2004
CONFIRMATION NO. : 8603
EXAMINER : Mariano O. Soy
ART UNIT : 3683
LAST OFFICE ACTION : October 2, 200/
ATTORNEY DOCKET NO. : BGEE 2 00017

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from a decision of the primary Examiner mailed **October 2, 2008** finally rejecting claims 1-32, 49-62, 72-76, and 84-96. An After Final Amendment and Response to Examiner's Action was filed December 22, 2008.

The items checked below are appropriate:

1. **STATUS OF APPLICANT**

☒ This application is on behalf of other than a small entity.

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

☒ other than a small entity \$540

3. **EXTENSION OF TERM**

☐ Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a -month extension of time up to and including in which to file the accompanying Notice of Appeal. Payment for the filing of this

Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card via EFS-Web. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308. If there are any additional fees required by this communication, please charge same to Deposit Account No. 06-0308.

4. **TOTAL FEES DUE**

The total fee due is:

Notice of Appeal Fee: \$540

Extension of Time Fee: \$

TOTAL \$540

5. **METHOD OF PAYMENT**

☒ The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

Fay Sharpe LLP

December 23, 2008

Date

Brian E. Turung, Reg. No. 35,394
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, Ohio 44115-1843
216.363.9000

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being

☐ deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☒ transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.

Express Mail Label No.:

Signature: *Adeline Machado*

Date: December 23, 2008

Name: Adeline Machado